

Next Meeting: March 3, 2004

10:00 a.m. – Thorburn Center - Ingham ISD (Rooms B and C)

SPECIAL EDUCATION ADVISORY COMMITTEE

Minutes of February 4, 2004, Meeting

10:00 a.m.

Present: Greg Bodrie, John Bretschneider (for Pam Mish), Kathleen Clegg, Patt Clement, Pansy Coleman, Tina Densmore (for Colette Ward), Cheryl Ervin, Janice Fialka, Elaine High, Ric Hogerheide, Jill Jacobs, Marge Joslin (for Don Trap), Shari Krishnan, Paul Kubicek, Tiffany Leischner (for Patricia Keller), Peggy McNeilly, Ginny Palubin (for Lois Lofton-Doniver), Anne Richardson, Debs Roush, Steve Schwartz, Jeff Siegel, Larry Simpson, Randall VanGasse
Ex-Officio members: Lynn Boza (for Rosanne Renauer), Mark Larson, Doug Nurenborg (for Sheri Falvay), Michele Robinson, Jacquelyn Thompson

Absent: Jim Kubaiko, Lee Martin, Sue Rabidoux, Deb Russell, Debbie Todd

OSE/EIS Staff: David Brock, Lauren Harkness, Fran Loose, Patti Oates-Ulrich

Guests: Kendra Chalmers, Patricia Keller, Beth Kennedy, Sandi Laham, Samantha Wood, Jon Wurdock

The meeting was called to order by Chairperson Larry Simpson.

Roll Call

Roll call was taken and a quorum was present.

Introduction of Guests

Guests attending the meeting were introduced.

Amend/Approve Proposed Agenda

The agenda of the February 4, 2004, meeting was considered. Elaine High moved, seconded by Paul Kubicek, to approve the agenda as written. The motion carried.

Amend/Approve Minutes

The minutes of January 7, 2004, meeting were considered. Ric Hogerheide moved, seconded by Peggy McNeilly, to approve the minutes as written. The motion carried.

Public Comment

None

Chairperson's Report – Larry Simpson

Flint schools received their report card on Friday with the rest of the state. Structural deficits will result in the closing of eleven schools within the next four or five years. Subsequently, classroom space for students with disabilities must be found. As the 30-student mark is approached, building principals are reluctant to allow additional students in their schools because it may result in the AYP data for that population being disaggregated. Larry stressed that we need to think about students who are rural or urban poor and have a disability, because they are the most likely to be left behind during this period of contraction.

Larry attended a leadership conference in New Orleans, Louisiana where he networked with a number of superintendents. These conversations demonstrated that community collaborations help people to see that our destinies are inextricably connected.

Evaluations must be completed at each meeting in order for individuals to receive SB-CEUs.

Larry charged the subcommittees with discussing nominations for next year's executive committee.

Education Week cited SEAC's work in an article titled, "Visions of the Possible". Sandi Laham was quoted. Shari Krishnan and her son Nicolas were also mentioned in the issue.

Larry would like to send a letter thanking the Board of Education for their continued support of kids, especially those with disabilities. Ric Hogerheide moved, seconded by Marge Joslin, to empower Larry to draft and send the letter. The motion carried.

State Reports – Jacquelyn Thompson

A. Board of Education

A number of referent groups with connection to the SEAC are meeting. Referent groups on the Administrative Rule for the Definition of Autism and on the qualifications for Transition Coordinator are being reconvened in response to the extensive public comment to the summer, 2003 proposed rules package. At the request of the State Board of Education, a Universal Education Referent Group is meeting. The group represents many marginalized or at-risk student groups, not just students with disabilities. The goal is a statement of vision and principles related to universal education that the Board could use as a foundation for work over the next several years. Finally, with the help of Michigan Protection and Advocacy Services, a

referent group on Seclusion and Restraint is being convened. The existing State Board of Education policy will be examined and the group will provide recommendations for updates. They will also consider potential legislation regarding seclusion and restraint.

David Brock reported that at January's Board of Education meeting the Operational Procedures for the Michigan School for the Deaf were listed as approved in the Superintendent's Items. In addition, a discussion initiated by Liz Bauer on taking a position on the reauthorization of IDEA took place. The Board decided not to take an official position yet as any such position would need to align with what the Department has already said to Washington on this subject. An item may be ready for February's meeting.

Fran Loose announced that there are copies of The Assist, information on the MI-Access, and nomination forms for people to participate in standard setting for the BRIGANCE, all sent by Peggy Dutcher.

B, Department of Education

Lauren Harkness, an administrative law judge in the Office of Administrative Law in the Department of Education, gave an update on the Magistrate Referent Group. One of the Design for Results groups working with the Continuous Improvement Monitoring Process (CIMP) suggested that Michigan move to a one-tier due process hearing system with a truth-seeking role. In preparation for the work, Lauren conducted a national study surveying the 35 states that operate a one-tiered system. She received responses back from 26 states. With those results, Lauren generated an extensive report that was supplied to the Magistrate Referent Group along with her recommendations. The group was comprised of several SEAC members, three current special education hearing officers, a few members of the General Supervision Design for Results team where the suggestion for a one-tier system originated, and a hearing officer employed by the state, not in Education. Today Lauren provided a summary report of the revised recommendations as informed by the referent group.

The largest benefit of having a one-tier system is that the resolution is reached more quickly. With a single tier system, there is far less waiting for the final decision. Under the current system, hearings can commonly take six to eight months before a final resolution is reached.

Steve Schwartz asked for some clarification on how the current system functions. Lauren explained that the first tier of the current system takes place locally. Parties may agree on a hearing officer. If they cannot agree, one from the state-approved list is appointed. That state-approved list has shortened over recent years due to people not keeping current on training or not fulfilling the minimum number of hearings required. The mutual selection process is one of the problem areas identified because it allows people to choose someone who has not been trained, and it causes delays. The second tier is an appeal to the state level review officers.

There are attorneys who make much of their living from working such dispute resolution cases. As the case wears on, it becomes a dispute between adults having very little to do with the child. David Brock elaborated that the longer the process takes, the more attorneys may

charge in fees. Part of the goal of a one-tier system is to reduce the influence of attorneys in the process and close the matter more quickly. Discussion followed.

Mark Larson requested that Jacquelyn share what the Department of Education is doing to promote the use of mediation. Jacquelyn explained that there is a statewide initiative called the Special Education Mediation System, currently housed in the Office of the Supreme Court. The Department contracts with them to provide free mediation for special education disputes. There is a statewide survey underway with the goal of discovering why mediation is not being used more frequently.

David projected that a draft of proposed rules regarding the magistrate system would be ready for public comment on May 1. The document would return to the SEAC in the fall following the public comment period.

Information Items

A. Eligible Students with Disabilities in the Correctional System

The Secondary Transition Subcommittee has worked and researched since the beginning of the year to advise the SEAC on students with disabilities in correctional facilities. What are the laws and policies? Who is in charge? Who is responsible for child find and monitoring? The subcommittee researched their concerns and put their findings in written form, presented to the committee of the whole today. The subcommittee would like to forward a final version of their findings to the State Board of Education.

Steve Schwartz mentioned some students he worked with over the summer while doing assessments thought they had many more credits than they actually had because they weren't given credit for courses taken at varied locations. Larry stated that one goal of the subcommittee is to determine how to better organize the different agencies involved and get them to keep better records.

Randy VanGasse mentioned the 83 county facilities in Michigan. In his area of residence, requests for educational services come on behalf of homebound students and hospital-bound students; however, Randy realized that he'd never received a request for educational services from the county jail. He has a meeting tomorrow with the sheriff to discuss the subject. Randy stated that students could be put in a county facility for up to two years. Each runs their system differently, and it is unknown how many provide appropriate educational services to their student populations. Discussion followed.

Jacquelyn Thompson complimented the subcommittee on their work. She sees this preliminary data as potentially very useful to the Universal Education Referent Group as adjudicated youth are one of the populations they are focusing on. In addition, the Governor is creating a new mental health commission that will report to the Governor for the first time in September. Jacquelyn believes that group could also benefit from the data.

The subcommittee will take into consideration the committee's comments and will bring back a final draft for action next month.

Action Items

A. Proposed Changes to the Administrative Rules of Special Education

As discussed at the January meeting, two of the rules are not ready for approval yet. However, with the exception of the autism definition and qualifications of the transition services coordinator, the rules are ready to forward to the Superintendent's office as a next step to completing the promulgation process. Ric Hogerheide moved, seconded by Jeff Siegel, to approve the document as recommended. The motion carried.

B. Technical Assistance for Frequently Asked Questions

Ric Hogerheide moved, seconded by Jeff Siegel, to forward the document to the Director of Special Education and Early Intervention Services for further action. The motion carried.

Ex-Officio Reports

Institutions of Higher Education — Mark Larson — The focus this year has been continued work on the administrative rules used to accredit special education teachers. Some of the group would like to make revisions to the current rules and a subgroup would like to consider creating new special education rules for teachers in order to move away from a categorical system of teacher preparation.

Michigan Department of Community Health — Doug Nurenberg — For anyone interested, public comment may be provided to the Department of Community Health at www.michigan.gov/mentalhealth. There is also other useful information located on that website.

Michigan Department of Career Development/Rehabilitation Services — Lynn Boza — Training in all juvenile justice facilities was just completed. Additionally, Michigan Rehab received a high school high-tech grant. Grand Rapids will be the first implementation site, followed by Flint in one year.

Family Independence Agency — Lee Martin — None

Committee Reports

A. General Supervision — Ric Hogerheide

The Subcommittee's work on Technical Assistance for Frequently Asked Questions was presented and approved today.

B. School Age — Debs Roush

The final proposal for the SEAC's response to NCLB is not quite complete. In the next few days, an email will be sent out on the listserv containing the initial report produced by the SEAC last year, the Board of Education's request for additional information, and the final paper to give to the Board. The subcommittee would like feedback emailed to Debs within the next two weeks for incorporation into the final product to be presented for the SEAC's approval next month. Discussion followed.

C. Secondary Transition – Larry Simpson

The document on adjudicated youth presented today will be finalized for next month. Work surrounding the transition coordinator rule also continues.

Member Issues

Patt Clement announced that the Arc Michigan is having its annual conference in June.

Anne Richardson mentioned a reporter attended Brighton's Superintendent's Coffee last week. The reporter subsequently quoted the superintendent as saying, "the district hopes to do more education of staff about the gifted and talented program, but the demands from the state on special education programs, such as inclusion, have been to the detriment of the gifted and talented program." Anne expressed a need for the staff and community to accept people with disabilities and see that a unified educational model is needed.

Janice Fialka announced that the *Early On* annual conference is taking place at Lansing Community College on May 13 and 14.

Pansy Coleman announced that she and her son Jason's book should be out in July. The book is titled Wings of an Angel.

Future Agenda Items

Jeff Siegel suggested the executive committee consider videoconferencing as an option for people who find it difficult to travel long distances during winter weather.

Steve Schwartz requested information on the autism definition. David Brock said that the autism definition is still under discussion.

Marge Joslin moved, seconded by Kathleen Clegg, to adjourn. The motion carried. The meeting was adjourned to subcommittee meetings.

Amanda Whitehead
Recording Secretary

SPECIAL EDUCATION ADVISORY COMMITTEE

Executive Committee
Minutes of February 4, 2004, Meeting
8:45 a.m.

Present: David Brock, Ric Hogerheide, Shari Krishnan, Sandi Laham, Fran Loose, Patti Oates-Ulrich, Debs Roush, Larry Simpson, Jacquelyn Thompson, Randall VanGasse

Absent: Patt Clement, Pam Mish

Review of Today's Agenda

Lauren Harkness will present an update on the work of the magistrate referent group and the progress toward developing a single tier hearing system. The SEAC is not being asked to draft the document. The update is provided for informational purposes only. The next step is to draft the rules by May 1 as a first step in the rules promulgation process.

State Department Report

David Brock stated that the Board of Education spent time at their January meeting discussing the possibility of drafting a position paper on the reauthorization of IDEA. They decided further time was necessary before publishing a position as it must align with statements already made by the Department of Education on the issue.

The Operational Procedures for the Michigan School for the Deaf were approved by Superintendent Tom Watkins and were listed as such in the Superintendent's Items for the January Board of Education Meeting.

Jacquelyn Thompson will summarize the progress of the four major referent groups currently meeting (Universal Education, Seclusion and Restraint, Autism Definition, and the Transition Coordinator qualifications). The Seclusion and Restraint Referent Group is examining a ten-year-old Board of Education policy. Legislative policy, which is easier to enforce than Board policy, is also a possible recommendation outcome.

Ric Hogerheide requested that the SEAC be more proactive regarding issues that the Board of Education is working on. Sandi Laham suggested that one of the subcommittees be responsible for reviewing State Board of Education meeting agendas. Discussion followed.

Fran Loose will address the MI-Access information provided by Peggy Dutcher.

Jacquelyn Thompson confirmed that the SEAC's restructuring of its subcommittees has appropriately aligned the committee with the Continuous Improvement Monitoring Process as expected.

Chairperson's Report

Larry Simpson has a first draft of a letter to the Board of Education thanking them for their continued support of students with disabilities as suggested at the January meeting. An executive committee member will offer a motion during the committee of the whole meeting to empower Larry to finalize and send the letter.

Larry will be sending letters to those committee members whose attendance this year has not met the standards outlined in the bylaws.

Subcommittee Reports

a. General Supervision

The subcommittee will present the final version of the Technical Assistance for Frequently Asked Questions document for approval by the committee of the whole.

b. School Age

Debs Roush expressed concern that the document outlining the SEAC's response to NCLB is not quite ready. She asked for assistance in deciding whether to present the document to the committee today or wait until completion next month. Sandi Laham suggested sharing the document in its current form with the committee of the whole and request feedback by a deadline that would allow the feedback to be incorporated into a final copy ready for approval in March. All pertinent information will be emailed to the committee soon.

c. Secondary Transition

A document containing data related to eligible students with disabilities in prisons will be discussed as an information item. Jacquelyn Thompson suggested the data might be helpful to the Universal Education Referent Group and the State Board of Education.

Future Agenda Development

Beth Steenwyk will present an update on transition at the March meeting. Jane Reagan will attend the Secondary Transition Subcommittee meeting in March to offer information on Medicaid.

An update on MI-BLISI, the Michigan Behavior and Learning Support Initiative was requested by Shari Krishnan. The Department of Education will request either Steve Goodman or Margie McGlinchey to give a lunch presentation in April.